

### **Remarks**

Claims 42-73 remain pending in this application for the Examiner's consideration.

Claims 74-82 have been withdrawn as being directed to a non-elected invention. Applicant reserves the right to pursue those claims in a divisional application.

The present invention is directed to a game that can be played by one or more players while sitting at a table or bar. The game comprises a scoring structure that mimics a basketball goal or a football goal and that is adapted to be removably secured to the upper portion of a beverage bottle such as a beer, water, or soda bottle. In order to play the game, the scoring structure is secured to an available empty or full bottle and the players attempt to direct a ball or other object at the scoring structure in order to score points. In the case of a basketball goal, a shot ring can be used to define an area wherein the ball must appear before entering the basket rim. In addition, a ball deflector can be secured to the lower portion of the bottle below the basket rim to deflect balls passing through the rim back into play. A shot ramp or kicking tee can also be used respectively to assist in launching the ball toward the scoring structures.

The benefit of this game is that the scoring structure can be removed from the bottle after play for use on a different occasion. A magnet may be included on the scoring structure to enable the scoring structure to be stored on a refrigerator or other metallic surface when not in use. The game uses bottles that are readily available to the players, and can use other readily available materials for other components of the game such as rubber bands, paper clips, drink coasters and straws. The claims have been amended to clarify that the game includes a drinking beverage bottle selected from the group consisting of water, juice, beer, wine, liquor,

and soft drink bottles. Support for this amendment is found in the Specification at page 5, lines 24-28.

Claims 42-55 and 68-73, as amended, are generally directed to a game comprising a drinking beverage bottle and a scoring structure configured removably coupled to the bottle for play, wherein the scoring structure is a basketball goal and/or a football goal. New claims 56-67 are generally directed to a game comprising a drinking beverage bottle and a scoring structure removably coupled to the bottle for play, wherein the scoring structure is a basketball goal and/or a football goal.

The Examiner rejected claims 42 and 43 under 35 U.S.C. 102(b) as being anticipated by Speers (U.S. D279,396). Speers does not teach, suggest, or disclose a scoring structure removably coupled to a bottle. Amended Claims 42 and 43 are limited to a game comprising a bottle and a scoring structure removably coupled therewith.

The Examiner also rejected claims 42-46, 52-54, 56-60, 64-66, 72, and 73 under 35 U.S.C § 102(b) as being anticipated by Wong (U.S. 5,752,703). Wong does not teach, suggest, or disclose a game comprising a beverage bottle selected from the group consisting of water, juice, beer, wine, liquor, and soft drink bottles. Instead, Wong uses a cup having a wide mouth that is very different in overall configuration from these beverage bottles. The games of Wong are not configured to fit into the relatively narrow opening of a beverage bottle, and there is no suggestion to do so.

The Examiner rejected claim 47 under 35 U.S.C § 103(a) as being unpatentable over Wong (U.S. 5,752,703). As discussed above, Wong does not suggest or teach the use of a scoring structure through which a ball or object may pass to score points attached to a beverage drinking bottle. The cup shown on Wong has a very different overall shape and configuration

and, in particular, a very different mouth opening than the configuration of the beverage bottles claimed. The games disclosed by Wong would not fit into the open top of a beverage bottle, and there is no suggestion to modify the games of Wong in order to fit on the top of a beverage bottle.

The Examiner also rejected claims 55, 67, 70, and 71 under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Davey, III (U.S. 6,116,605). Neither Wong or Davey teach, suggest, or disclose a game comprising a beverage bottle and, therefore, the presently claimed invention is not obvious in view of these references.

Claims 42, 44, 48, 50, and 51 were rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Carver et. al. (U.S. 3,074,720). Carver does not teach, suggest, or disclose a game comprising a beverage bottle.

The Examiner also rejected claims 56, 57, 61-63 under 35 U.S.C. § 103(a) as being unpatentable over Williams (U.S. 2,889,149) in view of Stein (U.S. 2,939,236). Williams does not teach, suggest, or disclose a game comprising a beverage bottle. Instead, Williams discloses a coordination training device for small children. It is noteworthy that the coordination training device disclosed in Williams indicates that it employs a 7 inch rubber playground ball and a receiver basket. Col. 1, lines 15-25. Thus, given that this coordination training device is intended for use on a floor and is relatively large in size, there is absolutely no teaching, suggestion, or disclosure of using this game in combination with a beverage bottle. Furthermore, Stein discloses the use of a sleeve and post, which may be secured to the top of a bottle as an advertising display. There is absolutely no suggestion, teaching, or other motivation to combine Williams with Stein in order to achieve the beverage bottle game of the present invention.

Lastly, claims 68 and 69 were rejected under 35 U.S.C. § 102(b) as being anticipated by Williams (U.S. 2,889,149). Again, it is noted that Williams is directed to a coordination training device for small children. This device is for use in training a group of children utilizing a 7 inch rubber playground ball. The device is configured to rest and be supported on the ground and is sized much larger than a device that could be coupled to the top of a beverage bottle. There is absolutely no disclosure, teaching, or suggestion in Williams for the beverage bottle game of the present invention.

The present claims are limited to a scoring structure that is configured and adapted to be removably coupled with the upper portion of a beverage bottle, wherein the playing structure is a basketball goal or a football goal. There simply is no suggestion or teaching in the prior art for such a scoring structure.

\* \* \* \* \*

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims are in condition for allowance and eventual issuance, and such action is respectfully requested. The Examiner is invited to contact the undersigned attorney at the number listed below with questions or comments that need be addressed in order to obtain allowance.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By: 

Penny R. Slicer, Reg. No. 34,017  
STINSON MORRISON HECKER LLP  
1201 Walnut, Suite 2800  
Kansas City, MO 64106-2150  
Telephone: (816) 842-8600  
Facsimile: (816) 691-3495